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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**STATE OF CALIFORNIA, by and through
Attorney General Xavier Becerra,**

Plaintiff,

v.

**WILBUR L. ROSS, JR., in his official
capacity as Secretary of the U.S.
Department of Commerce; U.S.
DEPARTMENT OF COMMERCE; RON
JARMIN, in his official capacity as Acting
Director of the U.S. Census Bureau; U.S.
CENSUS BUREAU; DOES 1-100,**

Defendants.

Case No. 3:18-cv-01865

**NOTICE OF RULING IN STATE OF
NEW YORK, ET AL. v. U.S. DEP'T OF
COMMERCE, ET AL. (18-CV-2921) AND
NEW YORK IMMIGRATION COALITION,
ET AL. V. U.S. DEP'T OF COMMERCE,
ET AL. (18-CV-5025)**

Judge: The Honorable Richard G.
Seeborg

Action Filed: March 26, 2018

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

Pursuant to the Court's instructions at the June 28, 2018 initial status conference in the above-captioned action, Plaintiff State of California, by and through Attorney General Xavier Becerra, and the County and City Plaintiffs (collectively, Plaintiffs) and Wilbur Ross, U.S. Department of Commerce, Ron Jarmin, and U.S. Census Bureau (collectively, Defendants, and

1 together with Plaintiffs, the Parties) respectfully submit the attached order issued on July 5, 2018
 2 by Judge Jesse M. Furman in *State of New York, et al. v. United States Department of Commerce,*
 3 *et al.*, Case No. 18-cv-2921, and *The New York Immigration Coalition, et al. v. United States*
 4 *Department of Commerce, et al.*, Case No. 18-cv-05025. A true and correct copy of Judge
 5 Furman's Order is attached hereto as **Exhibit 1**.

6 Pursuant to the Court's further instructions at the June 28, 2018 status conference, counsel
 7 for the Parties are in the process of meeting and conferring regarding the coordination of
 8 discovery in the event the Court grants Plaintiffs' pending Motion to Expand Discovery Beyond
 9 the Administrative Record. The Parties will advise the Court of their proposed discovery
 10 schedule and coordination plan before the Parties' scheduled August 10, 2018 hearing on
 11 Defendants' pending Motion to Dismiss.

12 Dated: July 10, 2018

Respectfully submitted,

13 XAVIER BECERRA
 14 Attorney General of California
 15 MARK R. BECKINGTON
 16 Supervising Deputy Attorney General

17 /s/ R. Matthew Wise
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1 Dated: July 10, 2018

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18 Dated: July 10, 2018

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1 Dated: July 10, 2018

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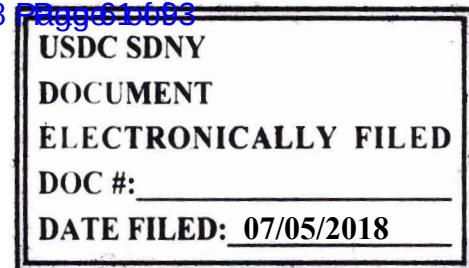
21 Dated: July 10, 2018

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28 Ntc of Ruling.docx

Exhibit 1



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, et al.,

Plaintiff,

-v-

UNITED STATES DEPARTMENT OF COMMERCE, et al.,

Defendants.

NEW YORK IMMIGRATION COALITION, et al.,

Plaintiff,

-v-

UNITED STATES DEPARTMENT OF COMMERCE, et al.,

Defendants.
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18-CV-2921 (JMF)

18-CV-5025 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

For the reasons stated on the record at the conference held on July 3, 2018, Plaintiffs' request for an order directing Defendants to complete the administrative record and authorizing extra-record discovery is GRANTED. As discussed, the following deadlines shall apply unless and until the Court says otherwise:

- By July 23, 2018, Defendants shall produce the complete record, a privilege log, and initial disclosures.
- By September 7, 2018, Plaintiffs shall disclose their export reports.
- By September 21, 2018, Defendants shall disclose their expert reports, if any.
- By October 1, 2018, Plaintiffs shall disclose their rebuttal expert reports, if any.
- Fact and expert discovery will close on October 12, 2018.

The deadlines for initial production of documents, interrogatories, and deposition of fact witnesses may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by October 12, 2018. The parties should not anticipate extensions of the deadlines for fact discovery and expert discovery, however. Relatedly, the parties should not make a unilateral decision to stay or halt discovery (on the basis of settlement negotiations or otherwise) in anticipation of an extension. If something unforeseen arises, a party may seek a limited extension of the foregoing deadlines by letter-motion filed on ECF. Any such motion must be filed before the relevant deadline and must explain why, despite the parties' due diligence, discovery could not be completed by the relevant deadline.

The parties shall conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. In the case of discovery disputes, parties should follow Local Civil Rule 37.2 with the following modifications. Any party wishing to raise a discovery dispute with the Court must first confer in good faith with the opposing party, in person or by telephone, in an effort to resolve the dispute. If this meet-and-confer process does not resolve the dispute, the party shall, in accordance with the Court's Individual Rules and Practices in Civil Cases, promptly file a letter-motion, no longer than three pages, explaining the nature of the dispute and requesting an informal conference. Any letter-motion seeking relief must include a representation that the meet-and-confer process occurred and was unsuccessful. Any opposition to a letter-motion seeking relief shall be filed as a letter, not to exceed three pages, within three business days. Counsel should be prepared to discuss with the Court the matters raised by such letters, as the Court will seek to resolve discovery disputes quickly, by order, by conference, or by telephone. Counsel should seek relief in accordance with these procedures in a timely fashion; if a party waits until near the close of discovery to raise an issue that could have been raised earlier, the party is unlikely to be granted the relief that it seeks, let alone more time for discovery.

All motions and applications shall be governed by the Federal Rules of Civil Procedure, the Local Rules of the Southern District of New York, and the Court's Individual Rules and Practices (available at <http://nysd.uscourts.gov/judge/Furman>).

Finally, the parties shall appear for a status conference on **September 14, 2018, at 2:00 p.m., in Courtroom 1105** of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York. Absent leave of Court, by **Thursday of the week prior to that conference (or any other conference)**, the parties shall file on ECF a joint letter, not to exceed three (3) pages, regarding the status of the case. The letter should include the following information in separate paragraphs:


- (1) A statement of all existing deadlines, due dates, and/or cut-off dates;
- (2) A brief description of any outstanding motions;
- (3) A brief description of the status of discovery and of any additional discovery that needs to be completed;

- (6) A statement of the anticipated length of trial;
- (7) A statement of whether the parties anticipate filing motions for summary judgment; and
- (8) Any other issue that the parties would like to address at the pretrial conference or any information that the parties believe may assist the Court in advancing the case to resolution.

This Order may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend the dates herein shall be made in a written application in accordance with Court's Individual Rules and Practices for Civil Cases and shall be made no fewer than two (2) business days prior to the expiration of the date sought to be extended. Absent exceptional circumstances, extensions will not be granted after deadlines have already passed.

SO ORDERED.

Dated: July 5, 2018
New York, New York



JESSE M. FURMAN
United States District Judge

CERTIFICATE OF SERVICE

Case Name: **State of California, et al. v.** No. **3:18-cv-01865**
Wilbur L. Ross, et al.

I hereby certify that on July 10, 2018, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

NOTICE OF RULING IN *STATE OF NEW YORK, ET AL. v. U.S. DEP'T OF COMMERCE, ET AL. (18-CV-2921)* AND *NEW YORK IMMIGRATION COALITION, ET AL. V. U.S. DEP'T OF COMMERCE, ET AL. (18-CV-5025)*

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 10, 2018, at Sacramento, California.

Tracie L. Campbell
Declarant

/s/ **Tracie Campbell**
Signature